

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER,

Plaintiff

v.

UNIVERSITY OF PENNSYLVANIA, a
Pennsylvania nonprofit corporation,

Defendant.

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CASE NO.: 02-cv-567

**PENN'S RESPONSE TO PLAINTIFF'S
MOTION FOR RECONSIDERATION OF ORDERS OF NOVEMBER 3, 2003**

Defendant University of Pennsylvania ("Penn") opposes Plaintiff's Motion for Reconsideration Of Orders Of November 3, 2003 ("Plaintiff's Motion for Reconsideration") for the reasons stated in its Opposition to Plaintiff's Motion to Compel, dated May 7, 2003; its Motion for Summary Judgment, dated June 5, 2003; its Response to Plaintiff's Motion for Summary Judgment, dated June 16, 2003; and its Supplemental Memorandum in Support of its Pending Motion for Summary Judgment, dated September 11, 2003.

Penn does not oppose the reinstatement of Plaintiff's gender discrimination claims. Plaintiff points to evidence that suggests he did make a gender discrimination claim in his EEOC charge. Given this, the reinstatement of Plaintiff's gender discrimination claim would help ensure that any appeal in this case remains focused on core rather than peripheral issues. Furthermore, reinstating Plaintiff's gender discrimination claim will not likely complicate this litigation, will not affect the outcome of the Summary Judgment motion presently before the court, or materially change Penn's defenses.

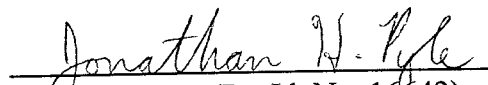
Penn therefore requests that the Court deny:

1. Plaintiff's request for reconsideration of the Court's order denying his motions to compel discovery;
2. Plaintiff's request for reconsideration of the Court's order denying his Motion For Partial Summary Judgment;
3. Plaintiff's request for "Leave To File Second Amended Complaint To Conform To The Pleadings And Include Defendant's Post-Filing Conduct" (requested in Section I.D. of Plaintiff's Motion for Reconsideration); and
4. Plaintiff's request for reconsideration of the Court's interpretation of Plaintiff's burden (requested in Section I.E. of Plaintiff's Motion for Reconsideration).

With respect to the Plaintiff's Motion For New Scheduling Order dated May 15, 2003, which was granted on November 3, 2003, the Court should set a deadline 30 days from the date of its Scheduling Order for any additional discovery. That order should provide that such discovery be limited to the remaining issue before the court: whether the Penn's stated reason for failing to hire plaintiff is pretextual.

Respectfully submitted,

Dated: December 9, 2003


John M. Myers (Pa. Id. No. 16642)
Jonathan H. Pyle (Pa. Id. No. 89887)

MONTGOMERY, McCracken,
WALKER & RHOADS, LLP
123 South Broad Street
Philadelphia, PA 19109
(215) 772-1500

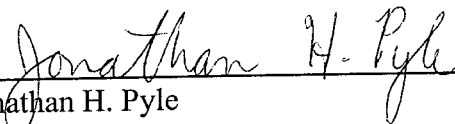
Attorneys for Defendant
University of Pennsylvania

CERTIFICATE OF SERVICE

I, Jonathan H. Pyle, do hereby certify that on the 9th day of December, 2003, I caused a true and correct copy of Defendant's Response To Plaintiff's Motion For Reconsideration Of Orders Of November 3, 2003 to be served via U.S. First Class Mail, postage prepaid, upon the following individual at the address indicated:

Gordon Roy Parker
4247 Locust Street, #806
Philadelphia, PA 19104

Pro Se Plaintiff


Jonathan H. Pyle

MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP
ATTORNEYS AT LAW

JONATHAN H. PYLE
ADMITTED IN PENNSYLVANIA

DIRECT DIAL
215-772-7655

jpyle@mmwr.com

123 SOUTH BROAD STREET
AVENUE OF THE ARTS
PHILADELPHIA, PA 19109
215-772-1500
FAX 215-772-7620

LIBERTYVIEW
457 HADDONFIELD ROAD, SUITE 600
CHERRY HILL, NJ 08002
856-488-7700
FAX 856-488-7720

300 DELAWARE AVENUE, SUITE 750
WILMINGTON, DE 19801
302-504-7800
FAX 302-504-7820

ONE WESTLAKES, SUITE 200
BERWYN, PA 19312
610-889-2210
FAX 610-889-2220

December 9, 2003

VIA HAND DELIVERY

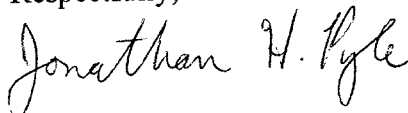
Honorable Anita B. Brody
United States District Court
for the Eastern District of Pennsylvania
Room 7613, U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: **Gordon Roy Parker v. University of Pennsylvania**
U.S.D.C., (E.D. Pa) Civil Action No. 02-567

Dear Judge Brody:

I enclose a courtesy copy of Defendant's Response To Plaintiff's Motion For Reconsideration Of Orders Of November 3, 2003, the original of which is being filed today with the Clerk.

Respectfully,



Jonathan H. Pyle

Enclosure

cc: Gordon Roy Parker (w/enclosure)